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10/526,530	03/02/2005	Terry Wayne Lockrige	PU020414	5338

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EXAMINER
LEWIS, JONATHAN V

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 February 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,5-8,10-12,15-18 and 20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,5-8,10-12,15-18 and 20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 March 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's amendment filed February 4, 2010.

Claims 1-2, 5-8, 10-12, 15-18, 20 are still pending in the present application. **This**

action is made FINAL.

Response to Arguments

Applicant's arguments filed February 4, 2010, with regards to claims 1-2, 5-6, 11-

12, 15-16 have been fully considered but they are not persuasive.

Independent claims 1 and 11 now contain features of previously rejected

dependent claim 4. Applicant argues that the features of claim 4, including the

transmission of a subset of locally stored program guide data containing channel IDs

and program information, is not taught by the prior art of record. Examiner respectfully

disagrees. Flickinger, the reference that is modified by Aristides, contains a locally

stored program guide, and the teaching in Aristides is used to modify this locally stored

guide. Aristides clearly shows in Fig. 1 that the program guide (EPG) is stored locally in

a set top box (STB). Aristides discloses that the EPG contains descriptive information,

including if the program is provided in closed caption or stereo. Examiner interprets this

to be "detailed program information." Furthermore, it is also disclosed in Aristides that

the EPG contains a channel panel having a channel number and name. Examiner

interprets this as a "channel ID." The claim language as currently constructed allows for

many interpretations of a channel ID and descriptive information, and as it is written the

locally stored EPG of Aristides reads upon the claims. Therefore, examiner maintains

his rejection.

Applicant's arguments with respect to claims 7-8, 10, 17-18, 20 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-6, 11-12, 14-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Flickinger (US PG Pub. No. 2001/0032333) in view of Aristides

et al. (US Pat. No. 5,630,119).

Regarding claim 1 (currently amended), Flickinger teaches a method for

providing a program guide (Abstract), the method comprising the steps of: acquiring

program guide data from a content provider (page 1, 0002 discloses receiving the IPG

from the provider); locally storing the acquired program guide data (page 1, 0002

discloses the IPG stored locally in the set top box); transmitting a subset of the locally

stored program guide data to a remote terminal (page 2, 0007; page 3, 0025 discloses

the subset of IPG advertisements stored locally).

Flickinger teaches all the claim limitations as stated above, except <u>the subset of</u>

<u>the locally stored program guide data contains channel IDs for all the channels in the</u>

locally stored program guide and detailed program information for one of the channels
in the locally stored program guide.

However, Aristides et al. teaches the subset of the locally stored program guide
data contains channel IDs for all the channels in the locally stored program guide and
detailed program information for one of the channels in the locally stored program guide
(col. 3, lines 37-44 discloses the channels stored containing channel IDs, a particular
arrangement where the channel IDs are their numbering as shown in Fig. 2, and it
stores detailed information).

Therefore, it would have been obvious to one of ordinary skill in the art, at the
time the invention was made to use, to modify the subset of local program data
disclosed in Flickinger to include channel IDs, in order to minimize the amount of data
that is needed to update the program guide from the service provider, which saves
valuable bandwidth and network resources.

Flickinger in view of Aristides et al. teaches all the claim limitations as stated
above, except receiving a request for an update to the subset from the remote terminal,
wherein the update request is generated due by the remote terminal in response to a
channel change; accessing the locally stored program guide to create the requested
update; and transmitting the update to the remote terminal.

However, Flickinger teaches receiving a request for an update to the subset from
the remote terminal, wherein the update request is generated due by the remote
terminal in response to a channel change (page 5, 0039 discloses updated the
advertisement due to a channel change); accessing the locally stored program guide to

create the requested update (page 5, 0039); and transmitting the update to the remote

terminal (page 5, 0039).

      Regarding claim 2, Flickinger in view of Aristides et al. teaches all the claim

limitations as stated above, except remote terminal is a set top box.

      However, Flickinger teaches the remote terminal is a set top box (page 2, 0007).

      Regarding claim 5, Flickinger in view of Aristides et al. teaches all the claim

limitations as stated above, except the steps of: periodically acquiring updates to the

program guide data from the content provider; and altering the locally stored program

guide data such that the locally stored program guide conforms to the updates.

      However, Aristides et al. teaches the steps of: periodically acquiring updates to

the program guide data from the content provider (col. 6, lines 20-43); and altering the

locally stored program guide data such that the locally stored program guide conforms

to the updates (col. 6, lines 20-43).

      Therefore, it would have been obvious to one of ordinary skill in the art, at the

time the invention was made to use, to modify the program guide disclosed in Flickinger

to periodically update and alter the locally stored program guide, in order to ensure the

user has the most up to date programming choices available, while relieving network

congestion by sending these periodic updates when network traffic is the smallest.

      Regarding claim 6, Flickinger in view of Aristides et al. teaches all the claim

limitations as stated above, except the step of: transmitting a new subset to the remote

terminal if an update received from the content provider altered data in the locally stored

program guide data that was included in the subset previously transmitted to the
terminal.

However, Aristides et al. teaches the step of: transmitting a new subset to the
remote terminal if an update received from the content provider altered data in the
locally stored program guide data that was included in the subset previously transmitted
to the terminal (col. 6, lines 20-43).

System **claims 11-12, 14-16** are rejected for the same reasons as stated above
in the corresponding method claims.

**Claims 7-8, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Aristides et al. (US Pat. No. 5,630,119) in view of Flickinger (US PG Pub. No.
2001/0032333).**

Regarding claim 7 (currently amended), Aristides et al. teaches a method of
providing a program guide (Abstract), the method comprising the steps of: allocating a
cache memory for storage of a subset of program guide data (col. 6, lines 20-26), the
subset of the locally stored program guide data contains channel IDs for all the
channels in the locally stored program guide and detailed program information for one
of the channels in the locally stored program guide (col. 3, lines 37-44 discloses the
channels stored containing channel IDs, a particular arrangement where the channel
IDs are their numbering as shown in Fig. 2, and it stores detailed information); acquiring
the subset of program guide data (col. 6, lines 20-61); storing the subset of program
guide data in the cache memory (col. 6, lines 20-61); and processing the stored subset
of program guide data to create a program guide (col. 6, lines 20-61; Fig. 2).

Aristides et al. teaches all the claim limitations as stated above, except receiving a channel change request from a client; requesting a second subset of program guide data in response to the channel change request.

However, Flickinger teaches receiving a channel change request from a client (page 5, 0039); requesting a second subset of program guide data in response to the channel change request (page 5, 0039);

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify the program guide disclosed in Aristides et al. to allow a channel change request to request a second subset of guide data, IPG ads, to be stored in a local cache memory, in order to allow the service provider to display the most relevant ads with programming that the user deems appropriate and desirable.

Aristides et al. in view of Flickinger teaches all the claim limitations as stated above, except <u>the second subset of the locally stored program guide data contains channel IDs for all the channels in the locally stored program guide and detailed program information for one of the channels in the locally stored program guide</u>.

However, Aristides et al. teaches <u>the second subset of the locally stored program guide data contains channel IDs for all the channels in the locally stored program guide and detailed program information for one of the channels in the locally stored program guide</u> (col. 3, lines 37-56 discloses the channels stored containing channel IDs, a particular arrangement where the channel IDs are their numbering as shown in Fig. 2, and it stores detailed information; col. 6, lines 1-43 discloses that the second subset,

updates, of the locally stored EPG contains the same information as disclosed above, and that the updates to the data are made in response to instructions by the user).

Aristides et al. in view of Flickinger teaches all the claim limitations as stated above, except receiving the second subset of program guide data; and storing the second subset of program guide data in the cache memory

However, Flickinger teaches receiving the second subset of program guide data (page 5, 0039); and storing the second subset of program guide data in the cache memory (page 1, 0002; page 5, 0039).

Regarding claim 8, Aristides et al. in view of Flickinger teaches all the claim limitations as stated above, except displaying the program guide to a client.

However, Aristides teaches displaying the program guide to a client (Abstract).

System **claims 17-18** are rejected for the same reasons as stated above in the corresponding method claims.

Claims 10 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Flickinger (US PG Pub. No. 2001/0032333) in further view of Stoel et al. (US Pat. No. 5,905,942).

Regarding claim 10, Aristides et al. in view of Knowles et al. in further view of Wang teaches all the claim limitations as stated above, except the program guide data is remotely stored in a Mini-Headend unit.

However, Stoel et al. teaches the program guide data is remotely stored in a Mini-Headend unit (Abstract discloses the mini-headend unit, which supplies data to

apartments in a multiple dwelling unit; col. 2, lines 3-24 disclose the storage of the program data, the interactive menus, within the headend).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify Aristides and Flickinger to store the program guide data remotely in a mini-headend, in order to deliver television programming, on demand movies, and interactive services to users in a multiple dwelling unit setting.

System **claim 20** is rejected for the same reasons as stated above in the corresponding method claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ellis et al. US Pat. No. 5,760,821

b. Huang et al. US Pat. No. 6,437,836

c. Knudson et al. US PG Pub. No. 2002/0120933

d. Wasilewski US Pat. No. 5,418,782

e. Knowles et al. US Pat. No. 6,505,348

f. Wang US Pat. No. 6,675,385

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425